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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,160	02/11/2004	Henry J. Molintas	96,106	4052

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NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION

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EXAMINER

MANOHARAN, VIRGINIA

ART UNIT

PAPER NUMBER

1764

MAIL DATE

DELIVERY MODE

05/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,160

Applicant(s)

MOLINTAS, HENRY J.

Examiner

Virginia Manoharan

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant should update the status of the parent application indicated at page 1 of the specification.

The abstract of the disclosure is objected to because of the inclusion of legal phraseology often used in patent claims such as "consist of" recited at the second line from the bottom. Correction is required. See MPEP § 608.01(b).

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors, e.g., typographical, grammar, idiomatic, syntax and etc. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a). The claimed "condensate distillate" in claim 10 is redundant. [The condensed liquid is either called the condensate or distillate].

b). Claim 11 is incomplete for omitting essential steps thereby amounting to a gap between the steps. For example: the step of condensing in order to obtain a "liquefied contaminated condensate" as claimed e.g., in claim 11. [A condensate, by definition, is the liquid product condensed from vapor during the distillation operation. No condensation is recited in the claim]. See MPEP § 2172.01.

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c). The inconsistent used of terminology in the claims is improper. For example:

“liquefied contaminated condensate” as opposed to “contaminated condensate” in claim 11. Both the above terms provide for ambiguity and confusion as the contaminates are the unevaporated portions, i.e., the concentrates or residues as opposed to the purified product, the condensate or distillate.

d). In claim 10, “heating” recited e.g., in line 2 should be -- preheating – since there is further heating in the flash chamber?

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al (4,953,694) in view of Sephton and with or without Hamilton, Jr (3,572,588).

Hayashi disclose substantially the process as claimed. That is, Hayashi discloses the method of processing incoming wastewater comprising the steps of passing the heated wastewater through an entry orifice within a flash chamber for conversion into vapor and contaminate portions during a single evaporation stage; withdrawing the contaminate portion from the flash chamber for storage as waste; withdrawing the vapor portion from the flash chamber for cooling and collection thereof as distillate, as claimed in claim 10. Hayashi also discloses the step of filtering the water vapor portion while rising within

the flash chamber for separation thereof from the contaminate portion as further claimed in claim 11. See the abstract, cols. 3-6 and Figs. 1-5. The process of Hayashi differs from the claimed invention in that claim 10, for example, recites " heating the wastewater to temperatures of about 175°F; and discharging the condensate upon said collection thereof exceeding a predetermined distillate level. See also claim 12. However, said difference is deemed not to constitute a patentable distinction inasmuch as one would appreciate that the preheating of water would at least be less than its boiling temperature; and when predetermined level is exceeded to necessarily discharge the condensate. See Sephton at col. 1, lines 29-40; and Hamilton at col. 3, lines 22-55. To incorporate the processes of Sephton and Hamilton to Hayashi's process would have been obvious to one of ordinary skill in the art as all the references are directed to similar processing environment, i.e., to steps of preheating in conjunction with flash evaporation of the distilland.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Williamson et al, Nazzer, Erdman and Zambory each discloses a flash evaporation process.

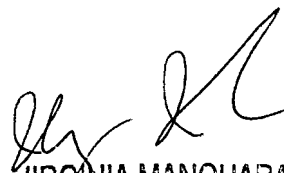
Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is (571) 272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


VIRGINIA MANOHARAN
PRIMARY EXAMINER
ART UNIT 132/1764